

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN**

In re: Isaac T. Ragsdale

Debtor.

Case No. 13-31225-svk
Chapter 13

**MOTION FOR RELIEF FROM AND A MODIFICATION
OF THE AUTOMATIC STAY**

The City of Milwaukee Water Works (“City”), by its attorneys, Grant F. Langley, City Attorney, by Kevin P. Sullivan, Assistant City Attorney, moves the Court for an order granting a modification of the automatic stay imposed by sec. 362(a) of the Bankruptcy Code, to permit the City to utilize the statutory provisions contained in Wis. Stat. Sec. 66.0809 to seek collection of post-petition, delinquent obligations for municipal services in respect of property owned and/or occupied by the debtor. In support of such motion, the City alleges and shows to the Court as follows:

1. Debtor filed his bankruptcy petition in this case on August 20th, 2013.
2. Subsequent to the date of the bankruptcy filing, the City has provided water, sewer and other municipal services (“Services”) to a property in Milwaukee, Wisconsin (the “Property”), which is owned and/or occupied by debtor located at 3305-07 N. Martin L King Jr. Dr., Milwaukee, WI 53212.
3. As of the date hereof, the total billed and unpaid, delinquent amount owed City in respect of the post-petition Services provided the Property is \$3261.92. This post-petition obligation is due and payable in full immediately and debtor has refused City’s demand to pay same.

4. Wis. Stat. § 66.0809(3) authorizes a Wisconsin municipal utility, such as the City Water Works, to collect unpaid charges each year utilizing a process by which “the arrears and penalty will be levied as a tax against the lot or parcel of real estate to which utility service was furnished and for which payment is delinquent.”

5. To the extent the Property constitutes property of the bankruptcy estate, City petitions this court to modify the automatic stay in order to permit utilization of City’s statutory rights under Wis. Stat. § 66.0809(3).

6. Should the automatic stay be so modified, pursuant to Wis. Stat. Sec 66.0809(3), the unpaid and delinquent amounts due for post-petition Services will be added to the real estate tax bill for the Property.

WHEREFORE, the City requests that the automatic stay be modified with respect to the Property pursuant to § 362(d) of the Bankruptcy Code to permit City to utilize the statutory provisions of Wis. Stat. § 66.0809(3) to seek collection of unpaid, post-petition obligations of debtor for the Services provided the Property.

Dated and signed at Milwaukee, Wisconsin this 14th day of September, 2015.

GRANT F. LANGLEY
City Attorney

s/KEVIN P. SULLIVAN
Assistant City Attorney
State Bar No. 1005718
Attorneys for City of Milwaukee

Drafted by:
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1048-2015-2046:219423

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN**

In re: Isaac T. Ragsdale

Debtor.

Case No. 13-31225-svk
Chapter 13

**AMENDED NOTICE OF MOTION FOR RELIEF FROM AND A
MODIFICATION OF THE AUTOMATIC STAY**

The City of Milwaukee Water Works (“City”), by its attorneys, Grant F. Langley, City Attorney, by Kevin P. Sullivan, Assistant City Attorney, has filed with the Court requesting an order be granting the City a modification of the automatic stay imposed by sec. 362(a) of the Bankruptcy Code on the grounds and for the purposes set forth in the Motion attached hereto.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to enter an order granting the City of Milwaukee a modification of the automatic stay imposed by sec. 362(a) of the Bankruptcy Code on the grounds and for the purpose set forth in the motion attached hereto or if you want the Court to consider your views on the motion, then within fourteen (14) days of the date of this notice, you or your attorney must send a written objection and a request for a hearing to the Court, at the following address:

Clerk, U.S. Bankruptcy Court
Eastern District of Wisconsin
U.S. Courthouse, Room 126
517 East Wisconsin Avenue
Milwaukee, WI 53202-4581

Such objection should briefly state the grounds for your objection.

If you mail your objection and request for a hearing to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above.

You must also mail a copy to:

Kevin P. Sullivan, Esq.
Assistant City Attorney,
200 East Wells Street, Suite 800
Milwaukee, WI 53202

Additionally, you must attend the hearing on this matter, if any, that will be held at a date and time to be determined by the Court, notice of which will be sent to you.

If you or your attorney do not take these steps, the Court may determine that you do not oppose the relief sought in the attached motion and may enter an order granting that relief.

Dated at Milwaukee, Wisconsin this 25th day of September, 2015.

GRANT F. LANGLEY
City Attorney

/s/KEVIN P. SULLIVAN
Assistant City Attorney
State Bar No. 1005718
Attorneys for City of Milwaukee

Drafted by:
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CERTIFICATE OF SERVICE

I hereby certify that on September 25th, 2015, I served via U.S. mail the City of Milwaukee's Notice of Motion and Motion for Relief from and a Modification of the Automatic Stay, addressed to:

Isaac T. Ragsdale 10410 S. Kelly Dr Oak Creek, WI 53154	Mont L. Martin 933 N. Mayfair Rd Suite 107 Milwaukee, WI 53226
Chapter 13 Trustee Rebecca R Garcia PO Box 3170 Oshkosh, WI 54903	

/s/ KEVIN P. SULLIVAN
Assistant City Attorney
Attorney for the City of Milwaukee

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